

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Proposing rule making related to Class I dock permits  
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 461A.4(1)“b” and 462A.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 461A.4 and 461A.18.

*Purpose and Summary*

Chapter 16 contains rules governing docks and boat hoists, including the issuance of Class I dock permits. The proposed rule making amends subrules 16.4(3) and 16.17(1), which designate procedures for issuing Class I dock permits. These amendments would change the existing term of the Class I permit from five years to a perpetual term. The permit would be valid until the property is sold or transferred or until the dock no longer meets the criteria for a Class I permit.

Currently, the Department of Natural Resources (Department), on behalf of the Commission, manages 7,683 dock permits in its dock program. Of these docks, 4,854 have Class I permits. Eliminating routine Class I permit reapplications would simplify the process for Class I permittees and significantly reduce the amount of staff time spent assisting Class I dock permittees. This will allow staff to work on other Department priorities.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa because it requires no additional revenues or staffing to implement. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions.

*Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 30, 2021. Comments should be directed to:

Ben Bergman  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Email: [ben.bergman@dnr.iowa.gov](mailto:ben.bergman@dnr.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Ben Bergman via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Ben Bergman prior to the hearing to facilitate an orderly hearing.

November 30, 2021  
10 a.m.

Conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 16.4(3) as follows:

**16.4(3) Procedures for issuance of Class I dock permits.** The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number, which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I dock permits authorized by this rule may be issued for terms up to five years and shall be issued without administrative fee and remain valid until the property is sold or transferred. In the event the property is sold or transferred, the new owner may request to transfer the Class I dock permit as provided in 16.17(1). A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

ITEM 2. Amend subrule 16.17(1) as follows:

**16.17(1) Duration and transferability of dock permits; administrative fee refunds.** ~~Each~~ With the exception of Class I dock permits, each dock permit shall be issued for a term of five years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is automatically transferable to a new owner of the shoreline property upon request of the new owner.